

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CAROL SCHULTE

v.

SEARS ROEBUCK & CO.

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CIVIL NO. CCB-13-3618

MEMORANDUM

Plaintiff Carol Schulte, representing herself, has brought suit alleging that Sears failed to deliver and install a stove she purchased for \$500 at a Sears store in Hunt Valley, Maryland. Defendant Sears, Roebuck and Co. (“Sears”) has filed a motion to dismiss (ECF No. 19). Despite being given notice and an extension of time to respond to the motion, Schulte has failed to do so.

As Sears contends in its motion, Schulte has failed to state a claim under Fed. R. Civ. P. 12(b)(6) for any of her causes of action other than possibly breach of contract. As to breach of contract, assuming a claim has been stated, diversity jurisdiction is lacking because the amount that could possibly be recovered is less than \$75,000. Accordingly, the motion will be granted by a separate Order which follows.

October 31, 2014
Date

_____/s/
Catherine C. Blake
United States District Judge